SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT APPEAL NOS.938, 939 AND 940 OF 2006

W.A. NO. 938 OF 2006

Between:

M/s Deepika Constructions, Hyderabad

... Appellant

And

Government of Andhra Pradesh
Rep. by its Secretary,
Irrigation and Command Area Development,
Hyderabad and others.

... Respondents

W.A. NO.939 OF 2006

Between:

M/s Deepika Constructions, Hyderabad

... Appellant

And

Government of Andhra Pradesh
Rep. by its Secretary,
Irrigation and Command Area Development,
Hyderabad and others.

... Respondents

W.A. NO.940 OF 2006

Between:

M/s Deepika Constructions, Hyderabad

... Appellant

And

Government of Andhra Pradesh
Rep. by its Secretary,
Irrigation and Command Area Development,
Hyderabad and others.

... Respondents

Counsel for the appellants : Shri B. Vijaysen Reddy

Counsel for the respondents : Government Pleader for Irrigation

18.09.2006

:: COMMON JUDGMENT::

Per G.S. SINGHVI, CJ

These appeals are directed against order dated 17.04.2006 passed by the learned Single Judge in Writ Petition Nos. 12448, 12452 and 12546 of 2005.

After arguing the cases for some time, Shri B. Vijaysen Reddy, learned counsel for the appellant made a request that his client may be permitted to withdraw the writ appeals as also Writ Petition Nos. 12448, 12452 and 12546 of 2005 with liberty to avail remedy by way of civil suit insofar as the dispute relating to the rates for excavation of hard rock and boulders of more than three cubic meters is concerned and also approach the Government for release of the undisputed amount.

Learned Government Pleader for Irrigation says that he does not have any objection.

In view of the above, these appeals and Writ Petition Nos. 12448, 12452 and 12546 of 2005 are dismissed as withdrawn with liberty in terms of the prayer made.

In order to obviate the necessity of further litigation in the matter of release of undisputed amount, we deem it proper to direct that if the appellant makes representation for release of such amount, then appropriate action shall be taken by the competent authority within a period of four weeks from the date of submission of representation.

G.S. SINGHVI, CJ

C. V. NAGARJUNA REDDY, J

ksld
18.09.2006